

Attorney Docket No.: LYRN004US0

PATENTS  
Customer No. 37,141REMARKS:

Claims 1-22 are currently pending in the application, and have been rejected.

In their previous response, Applicants noted various infirmities in the Examiner's rejections, and advanced several reasons for the patentability of the claims. For the sake of brevity, the present response is limited to the issues raised by the Examiner in the Advisory Action. However, the Examiner is referred to the previously filed response for a more detailed discussion of these issues.

With respect to the Examiner's rejection of claims 1-6 and 19-21 as being unpatentable over Rosenberg et al. and Bector et al., Applicants noted that these claims require, in essence, that the message is routed to the same "next location" regardless of whether the message is in the selected application format, since the only effect of the application format is whether the message is processed by the selected application processor. By contrast, in the system of Rosenberg et al., the "next location" that the message is sent to necessarily differs depending on the outcome of the Gray code analysis. Hence, in order to support a prima facie case of obviousness, the Examiner has had to rely on Bector et al. as teaching this element of the claimed invention.

In their previous response, Applicants argued that one skilled in the art would have no incentive to modify Rosenberg et al. in light of Bector et al. in the manner in which the Examiner is suggesting, since doing so would defeat the very purpose of Rosenberg et al. In particular, the teachings of Bector are specific to proxy servers. Hence, in order to arrive at the claimed invention, the satellite nodes of Rosenberg et al. would have to function as proxy servers, which would complicate their functionality. This goes against the explicit teachings of Rosenberg et al., which was concerned with simplifying the functionality of the satellite node. Hence, Applicants argued that one skilled in the art would have no incentive to combine the teachings of these references in the manner in which the Examiner is suggesting.

In the Advisory Action, the Examiner argues that sufficient incentive exists for combining the teachings of Rosenberg et al. and Bector et al. because "Both Rosenberg and Bector teach the

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networking communication for routing the packet". However, Applicants are not arguing that no incentive exists to combine the teachings of the references. Rather, Applicants are merely arguing that no incentive exists to combine the teachings of these references in the manner required to arrive at the claimed invention. Thus, while the Examiner may argue that it would be obvious to apply the teachings of Bector et al. to the ground-based portion of Rosenberg et al., it would not be obvious to apply the teachings of Bector et al. to the satellite nodes of Rosenberg et al., since to do so would defeat the purpose of Rosenberg et al.. Moreover, applying the teachings of Bector et al. to the ground-based portion of Rosenberg et al. would not result in the claimed invention.

With respect to the Examiner's rejection of claims 7-12, 14 and 16-18 as being unpatentable over Rosenberg et al. in view of Bector et al. and further in view of Shanklin et al., in their previous response, Applicants noted that this proposed combination of references does not support a prima facie case of obviousness with respect to the cited claims, because it does not result in the claimed invention as is required under 35 U.S.C. § 103. In particular, Applicants noted that the "parallel processing" which occurs in Shanklin et al. occurs at the entry point to the network. Applicants further noted that claim 7 clearly requires that "the plurality of application specific service devices are further configured to process the unprocessed application-specific messages in parallel", and that the Examiner has construed the satellite nodes of Rosenberg et al. as being the "plurality of application service devices". Hence, Applicants argued, in order to support a prima facie case of obviousness, Shanklin et al. must teach or suggest modifying the system of Rosenberg et al. so that the satellite nodes described therein utilize the parallel processing methodology of Shanklin et al.

In the Advisory Action, the Examiner responds that the limitation of the parallel processing occurring at intermediate points in the network is not in the claims. However, Applicants respectfully note that it is irrelevant whether this limitation is in the claims or not, since this limitation is required for the Examiner's argument to be logically self-consistent.

In particular, the Examiner has the burden to demonstrate that one skilled in the art would find it obvious to combine the teachings of the cited references so as to arrive at the presently claimed invention. In an attempt to do so, the Examiner has chosen to rely on Rosenberg et al. as

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the primary reference. However, in order for that reference to contain all of the teachings he is ascribing to it, the Examiner has been forced to construe the satellite nodes of Rosenberg et al., which are intermediate points in the network described therein, as being the "plurality of application service devices". Hence, it is the Examiner's interpretation of Rosenberg et al. with respect to the presently claimed invention which requires the parallel processing to occur at intermediate points in the network.

Unfortunately, as Applicants pointed out in their last response, the teachings of Shanklin et al. are only applicable to entry points in a network. Hence, one skilled in the art would have no incentive to apply those teachings to internal nodes in a network, such as the satellite nodes of Rosenberg et al. That being the case, the combined teachings of the references cited by the Examiner would not result in the claimed invention, as required to support a prima facie case of obviousness.

The required RCE fee and 2-month extension of time fee is enclosed herewith. It is believed that no further fees are due with this response. However, if any fees are due, or if a credit is deemed appropriate, the Commissioner is hereby authorized to charge these fees, or to credit any overpayment, to the deposit account of Fortkort & Houston, Deposit Account No. 50-3694. Please reference our Docket No. LYRN004US0.

Respectfully submitted,

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